

MINUTES OF COUNCIL MEETING
APRIL 14, 2005
6:30 P.M.

The Murray City Council met in regular session on Thursday, April 14, 2005, at 6:30 p.m. in the Council Chambers of City Hall, with Mayor Rushing presiding.

Council Members Present: Lance Allison, Robert Billington, Danny Hudspeth, Pete Lancaster, Hugh Massey, Dan Miller, Jason Pittman, Pat Scott, Butch Seargent, and Bill Wells.

Council Members Absent: Rita Henley and Doris Parham.

Staff Present: Don Elias, Ken Claud, Thomas Clendenen, Ricky Stewart, J. L. Barnett, Matt Mattingly, David Roberts, Gail Mullins, Carol Roberts, Sam Perry, Don Rogers, Philip Morris, Warren Hopkins, and Harla McClure.

Mayor Rushing welcomed Boy Scout Troop 45 and thanked them for attending.

Mayor Rushing recognized Senator Ken Winters. Senator Winters said he had enjoyed his first term in office. He stated he was gratified that a budget was passed and that both parties worked together toward this goal. Senator Winters stated it is a benefit to have both him and Melvin Henley in Frankfort.

Senator Winters stated he was appointed to the chairmanship of the Senate Education Committee. He stated that one goal for the next year is to review KERA because it has been 15 years since it was created; and unfold a new and improved reform for education.

Minutes of the council meeting held March 24, 2005, were presented for approval. Mr. Wells asked that the date for Make a Difference Day be corrected. The correct date is May 21st. **Mr. Wells moved, seconded by Mr. Billington,** to approve the minutes as amended. With no further discussion, Mayor Rushing called for a voice vote, which was unanimous in favor of the motion.

Ordinance Number 2005-1375 an Ordinance amending Section 156, Zoning Code, of the City of Murray Code of Ordinances, by creating a new section entitled cellular antenna tower regulations was presented to the council for a first reading. **Dr. Miller moved, seconded by Mr. Wells** to approve said Ordinance.

The City of Murray does not currently have regulations that provide guidance to the construction of new cellular towers. This ordinance will allow the Murray Planning Commission to have jurisdiction to hear requests for new location of cell towers.

The Uniform Application Procedure is the process that a company will go through when they are locating a tower. Once approval is received by the Planning Commission, the company has 10 days to notify the Public Service Commission.

Dr. Miller questioned how much power do cities have to limit or regulate cellular tower activity and what would be the maximum number of cell towers a city of our geographic size can accommodate. Sam Perry, Assistant Planner, stated that the Telecommunications Act of 1996 is where the regulations were first derived. The Act requires that companies that own existing towers do not restrict competitors from co-locating.

Mr. Perry stated there is no set number on how many towers may be built within the city due to changing technology. He stated there are currently 11 towers within the City (not all cell towers).

The Act states that there can be no prohibiting of cell towers; however, the City can provide guidance as to the priority of locations, with the first being co-location on an existing tower. It would be a violation of federal law to prohibit the location; therefore, the Planning Commission does not have the authority.

Mr. Perry stated that design specifications in the proposed ordinance require that the tower has to have the capability to support up to three other providers.

Dr. Miller requested to know if there is a maximum height and Mr. Perry stated that the ordinance provides a restriction of 200 feet. However, the Planning Commission may waive same if the company provided written reasons why the height was not sufficient.

With no further discussion, Mayor Rushing called for the roll call vote, which is recorded as follows:

AYES: Danny Hudspeth, Lance Allison, Hugh Massey, Pat Scott, Robert Billington, Butch Seargent, Jason Pittman, Pete Lancaster, Dan Miller, and Bill Wells.

NAYS: None.

Mayor Rushing declared Ordinance Number 2005-1375 approved on the first reading.

Mayor Rushing stated April is Child Abuse Prevention Month. He recognized Michelle Gantt to speak about same and to speak about CASA (court appointed special advocate). Ms. Gantt stated that CASA deals with this on a daily basis. In 2004, there were 299 cases of child abuse reported, which involved 307 children. Sixty of the reported cases were actually substantiated. Ms. Gantt stated there are currently 14 volunteers and CASA has approximately 28 children they are representing. She stated it is very important to be the voice for a child in that situation.

Ms. Gantt stated CASA is holding their Light of Hope Banquet on Thursday, April 21st, at the Murray Woman's Club at 6:30 p.m. She invited all council members. She asked all residents to turn on their porch light from 7:00 p.m. to 9:00 p.m., because this represents that even a single volunteer can make a difference.

Mayor Rushing recognized Dr. Jay Morgan. Dr. Morgan was present to make two requests from the Council. Dr. Morgan stated the Chamber is beginning to look at some master plans for the facility. In 1981, the City entered into a 50 year lease agreement with the Chamber of Commerce. There is approximately three acres, which includes where the Chamber currently is, 1.43 acres to the north, and a small strip of land across the access road which leads into the Wal-Mart shopping center.

Dr. Morgan stated the Chamber has two requests:

1. Extend the Chamber facility lease. The Chamber requests a 25 year extension in order to sub-lease all or a portion of the property to any interested individuals in order to finance some additions to the Chamber. The Chamber Board does not want to use chamber dues to finance capital construction projects.
2. Addition of sub-leasing clause in current contract. Dr. Morgan stated needed extension on lease because several commercial developers, who might be interested, have stated that they would probably not look at the property if it were for less than 50 years.

Dr. Morgan stated the current building has 2,000 to 3,000 square feet. The Chamber wants to add a suite to sublet and also expand current conference room.

He stated there is also a need to look at renovating the exterior of the building.

Mayor Rushing recognized Bill Wells, chair of the Finance Committee. Mr. Wells stated that one item discussed during the meeting was the replacement of trucks for Public Works. Mr. Barnett provided the following information:

VEHICLE	COST	SAVINGS
One S -10 Ext Cab (Colorado)	\$15,141	\$2000 – \$3000
After April 15	\$17,141	
Two ½ Ton Silverado	\$28,824	\$4000 – \$6000
After April 15	\$32,824	
One ¾ Ton Silverado	16,815	\$2000 – \$3000
Knapheide Utility Body	4,581	
Trade in 8 ft bed	-400	
TOTAL PRICE	\$20,996	
After April 15	\$22,996	

Mr. Barnett stated the vehicles are always bought on state contract; however, this contract expires June 30th. The cutoff date to purchase the trucks however is April 15th. He stated the City can make a written purchase for the vehicles and they will not have to be paid for until July 1st. There will be an \$8,000 to \$12,000 savings by purchasing the trucks now.

Mr. Wells moved, as unanimously recommended by the Finance Committee to authorize the purchase of the aforementioned vehicles with the funds being expended in the 05-06 Fiscal Year. **Mr. Billington seconded the motion.** With no further discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

Mayor Rushing recognized Don Elias, City Administrator. Mr. Elias stated the City was contacted by a cellular phone company about the possibility of placing an antenna on the tower at the Murray Police Department. The handout is just for informational purposes and additional information will be provided.

The existing tower is 180 feet tall. He stated there is concern about the condition of the tower and it will be checked by an engineering company to see if it is adequate for the uses proposed. The phone company has offered, if the tower is not sufficient, to lease the property and construct another tower. The ground space lease would be \$500 to \$750 a month. They would like to have a six month option on the property with the possibility of entering into a lease for 20 to 25 years.

Another option is for the City to construct the tower itself, with the cost between \$50,000 to \$100,000. The current leases would range from \$15,000 to \$22,000 a year, which would be revenue generated for the City.

Mr. Elias stated there are concerns because the space around the tower is limited. Dr. Miller stated he believed the City should own the tower and make it as structurally sound as possible.

Mr. Lancaster questioned what setbacks were required and Mr. Elias stated that a new cell tower constructed is required to have a setback of one-half the height of the tower. This type of setback would be very effective in a residential area; however, it would not be downtown.

Mayor Rushing recognized Ricky Stewart, Fire Chief. Chief Stewart presented several of his staff who were promoted.

With no further business to come before the council, the meeting adjourned at 7:40 p.m.

H. Thomas Rushing, Mayor

Attest:

Harla McClure
City Clerk